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April 27, 2000

Federal Communications Commission
Secretary of the FCC
TW-A325
445 12th Street, S.W.
Washington, D.C. 20555

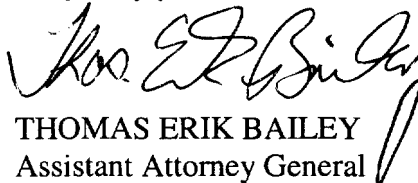
**Re: Comments of Minnesota Public Utilities Commission
on *U S WEST* Petition for Declaratory Ruling
Preempting State Commission Proceedings to Regulate
Provision of Federally Tariffed Interstate Service,
Docket No. 00-51**

Dear Secretary:

On April 21, 2000, the Minnesota Public Utilities Commission (MPUC) filed by mail its comments in Docket No. 00-51. We also served by mail everyone that we understood was on the official service list. We now discover that we did not have the proper list.

By copy of this letter, we are now serving everyone on the attached official service list with the MPUC's comments.

Very truly yours,


THOMAS ERIK BAILEY
Assistant Attorney General

(651) 296-1427

Enc.


cc: Attached Service List

AG: 377919, v. 01

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List ABCDE

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April 21, 2000

Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Comments of Minnesota Public Utilities Commission
on U S WEST Petition for Declaratory Ruling
Preempting State Commission Proceedings to Regulate
Provision of Federally Tariffed Interstate Service,
Docket No. 00-51**

Dear Secretary:

On August 18, 1999, AT&T Communications of the Midwest, Inc. ("AT&T") filed a complaint with the Minnesota Public Utilities Commission ("MPUC") against U S WEST Communications, Inc. ("U S WEST"). AT&T claimed that U S WEST was providing inadequate access services to AT&T, as well as discriminating against AT&T both in providing access services and in building and maintaining the infrastructure necessary to support those services. The complaint sought specific remedial action and asked the Commission to conduct an expedited proceeding under Minnesota Statutes section 237.462, subdivision 6.

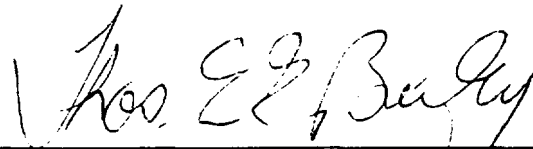
On September 2, 1999, U S WEST filed an answer to the complaint. While it conceded that some of the access services at issue were intrastate, it claimed that the vast majority of the access services were interstate and therefore not subject to MPUC jurisdiction. In addition, U S WEST denied that any of the access services at issue, whether ordered under state or federal tariff, were inadequate or that U S WEST discriminated against AT&T or any other carrier.

On September 20, 1999, the MPUC issued an order that noted jurisdiction for purposes of developing the issues outlined in the complaint and answer, and initiated an expedited proceeding. *See In the Matter of the Complaint of AT&T Communications of the Midwest, Inc. Against U S WEST Communications, Inc., Regarding Access Service*, Docket No. P-421/C-99-1183, Order Denying Motion, Accepting Jurisdiction, and Initiating Expedited Proceeding (Sept. 20, 1999). In its order, the MPUC noted that the jurisdictional issue raised by U S WEST was complex, and that its resolution would largely turn on the facts of the case. *Id.* at 3. The MPUC further noted that there was no dispute that it had jurisdiction over that portion of the complaint involving intrastate access services ordered under state tariff. *Id.* For these reasons the MPUC accepted jurisdiction for purposes of developing the facts necessary to decide all of the issues presented, specifically including the federal preemption issue. *Id.*

On December 15, 1999, U S WEST filed its Petition for Declaratory Ruling with the Federal Communications Commission ("FCC" or "Commission"), seeking the Commission to declare that AT&T's complaint proceedings before the MPUC, as well as similar AT&T complaint proceedings before other state commissions, are preempted by federal law. The MPUC opposes U S WEST's petition for a declaratory ruling.

It is plain from its Order of September 20, 1999, that the MPUC is aware of the federal preemption issue and is simply developing the record it needs to resolve that issue. To that end, the MPUC presided over an evidentiary hearing on AT&T's complaint on February 16-17, 2000. The parties have since filed briefs which, at the MPUC's request, specifically address whether it has any jurisdiction over the access services in AT&T's complaint. Certainly there is nothing in this record to suggest that the FCC must step in to prevent the MPUC from acting outside its jurisdiction. To the contrary, the record shows that the MPUC is carefully considering the limits of its authority over access services in relation to the FCC's authority. In light of this, there is no reason for the FCC to accept U S WEST's invitation to interject itself into this matter at this time.

Respectfully submitted,



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Jason Topp, U S WEST
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SERVICE LIST

**Re: Comments of Minnesota Public Utilities Commission
on *U S WEST* Petition for Declaratory Ruling
Preempting State Commission Proceedings to Regulate
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Docket No. 00-51**

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AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: *U S West Petition for Declaratory Ruling Preempting State Commission Proceedings to Regulate Provision of Federally Tariffed Interstate Service*
Docket No. 00-51

[illegible]

TAMMY LYNN SCHAEFER, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on April 27, 2000, she caused to be served the COMMENTS OF MINNESOTA PUBLIC UTILITIES COMMISSION, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first class postage, and addressed to:

Janice M. Myles Federal Communications Commission
Common Carrier Bureau, Room 5-C327
TW-A327
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Washington, D.C. 20554

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TAMMY LYNN SCHAEFER

Subscribed and sworn to before me on
April 27, 2000.


NOTARY PUBLIC

